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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,195	11/26/2001	Thomas Reisinger	GR 99 P 1912	8292

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EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT PAPER NUMBER

2635

DATE MAILED: 12/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Handwritten signature

Office Action Summary

Application No.

09/994,195

Applicant(s)

REISINGER ET AL.

Examiner

Brian A Zimmerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Status of Application

In response to the applicant's amendment received on 9/15/03. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 1-13,16-19 are unpatentable for the reasons set forth in this office action:

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

The amendment filed 7/13/2002 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the specific frequencies of 315 and 915 MHz is not supported by the specification as originally filed.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections

1. Claims 1,4,5,7 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Wood, Jr. (6104333), hereafter referred to as Wood.

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Wood shows an access system, see col. 19 lines 18+. The system includes an interrogator 26 sending an interrogation signal, and a transceiver 20 responding to the interrogation signal by sending an access code. Each transceiver responds simultaneously using different spreading codes as claimed. See col. 7 lines 50+. The transceivers use direct sequence spread spectrum, which avoids collision and increases security. It is known that orthogonal sequences are needed in order to perform DSSS multiplexing. Wood also shows the use of frequency hopping which is known to provide bandwidth efficiency and improve security.

2. Claims 8,10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood as applied to claim 1 above, and further in view of Barham et al (5432813).

In an analogous art, Barham shows the advantages in using parallel processing in a DSSS system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used parallel processing as suggested by Barham in the DSSS system of Wood in order to increase processing speed and limit the processing speed's impact on the operation of the system.

Regarding claims 11-15, the examiner takes official notice that communication system typically use the various frequencies claimed, and that the use of such 'known' frequencies would have been well within the knowledge of the artisan at the time of the invention.

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3. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood and Barham as applied to claims 1 and 8 above, and further in view of Anderson (4868915).

In an analogous art, Anderson shows the use of an interrogation transponder system for enabling access to the motor vehicle. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the interrogation-tag system discussed above to access a vehicle in order to provide hands free operation of the vehicle lock, and increase security.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood as applied to claim 1 above, and further in view of MacLellan (5940006).

MacLellan shows a plurality of transceivers, which respond to an interrogator. Each transceiver uses it's own spreading code to enable collision free communication. See abstract. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used different spreading codes in the DSSS system discussed above, in order to avoid collision between transceivers, as shown by MacLellan.

5. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood, MacLellan and Barham as applied to claims 1,3 and 8 above, and further in view of Lanzl (6353406).

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In an analogous art, Lanzl shows the use of chirp sequence processing, and the use of a transversal filter to demultiplex, as a method for conducting spread spectrum multiplexing. See col. 11 lines 67+. Since, it has been shown to use different spread spectrum processes in the combination above, it is the examiner's position that the use of other spread spectrum techniques would also have been obvious at the time of the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used any other spread spectrum technique in the above system in order to provide the same bandwidth efficiency and security as discussed above.

6. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood as applied to claim 1 above, and further in view of Tu et al (5682403).

In an analogous art, Tu shows the advantages in using parallel processing in a frequency hopping system. Such processing occurs at the RF band. See figure 3. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used parallel processing as suggested by Tu in the frequency hopping system of Wood in order to increase processing speed and limit the processing speed's impact on the operation of the system.

Response to Arguments

Applicant's arguments filed 9/15/03 have been fully considered but they are not persuasive. The applicant argues that the reference(s) does not teach the transponders transmitting their respective answer signals back at the same

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time. The applicant argues that it is impossible, in the Wood system, for several transponders to respond at the same time. The applicant is incorrect. On col. 15 lines 50-60 Wood describes the system such that a plurality of transponders respond substantially at the same time. Although this embodiment requires a backoff do to collision of the simultaneously responding transponders, Wood continues on col. 16 lines 65+ that the transponders' answer signals can be encoded using spread spectrum technique (which as disclosed earlier in Wood is CDMA). Once encoded using CDMA one of ordinary skill in the art would recognize that the backoff arbitration would not be required since the responses could be uniquely discernable due to the CDMA encoding.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 703-305-4796. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



Brian A Zimmerman
Primary Examiner
Art Unit 2635

BAZ